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Dumping of Acid Into Arthur Kill Alleged in Jersey

3 Companies Are Indicted in Conspiracy on Waste

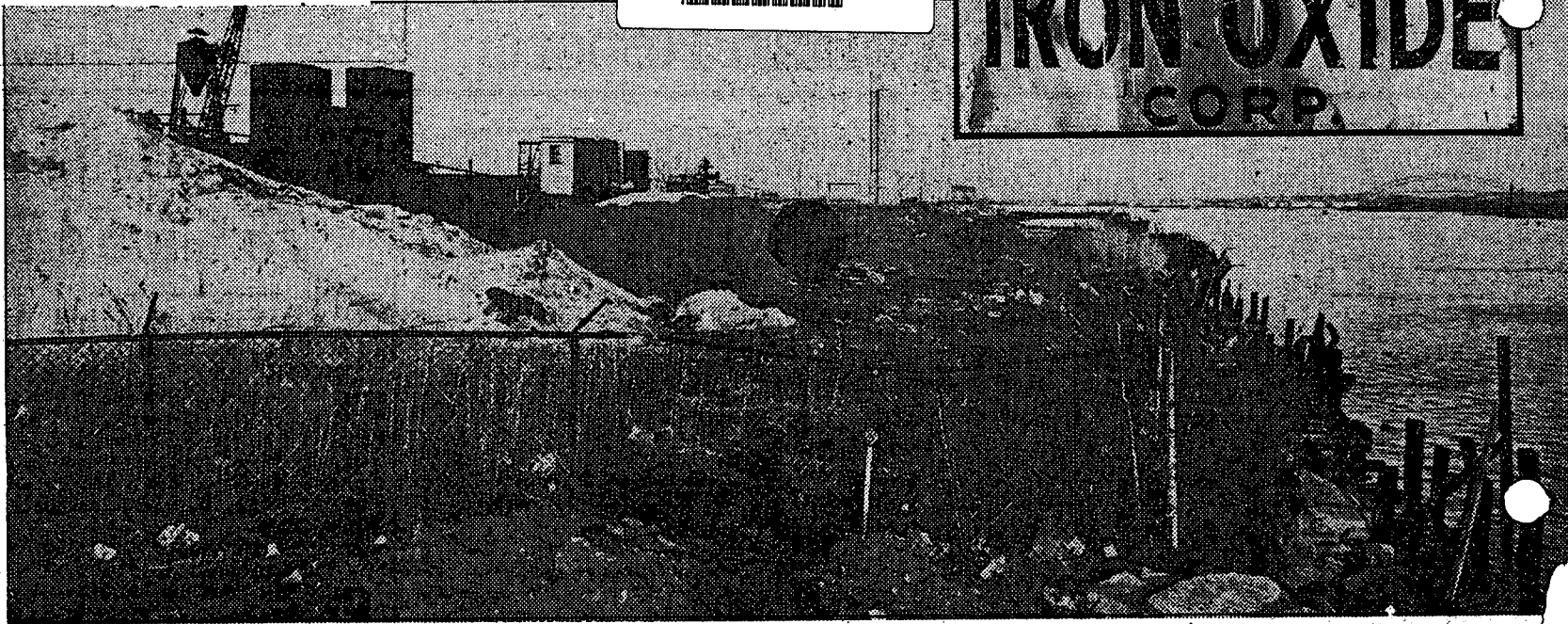
By ROBERT HANLEY
Special to The New York Times

TRENTON, Feb. 19 — Three industrial-waste hauling companies illegally dumped about 40 million gallons of acid chemical wastes into the Arthur Kill between Staten Island and Elizabeth, N.J., between 1973 and 1979, a state grand jury charged today.

One of the companies, Iron Oxide Corporation of Elizabeth, and its president, Frank A. Sullivan, face maximum penalties of \$1.6 million each if convicted of charges in a 65-count indictment handed up by the grand jury. Both were charged with 31 counts of violating the state's Water Pollution Control Act, 31 counts of creating a nuisance and one count of conspiracy.

The chemicals dumped into the Arthur Kill contained toxic metals and a variety of dangerous and noxious chemicals, the authorities said. The wastes were generated by about 50 industrial companies, including steel mills and chemical manufacturers, in New Jersey, New York, Pennsylvania, Connecticut and Delaware.

Pollution Laid to 3 Jersey Firms
Three waste-hauling firms in New Jersey were indicted for dumping 40 million gallons of acid waste into the Arthur Kill from 1973 to 1979. Page B2.



The Iron Oxide Corporation's facility in Elizabeth, N.J. The storage yard of the plant is near the Arthur Kill.

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tion Control Act. The maximum penalty against it was \$129,000. Chemline and its East Coast manager, Robert F. Byrnes, were each charged with 24 counts of creating a nuisance and polluting and one count of conspiracy — charges that carry maximum penalties of \$1.2 million, officials said.

Officials described the long investigation by Federal, state and local authorities into the alleged polluting of the Arthur Kill as another phase in the state's efforts to clean up one of the state's most heavily contaminated locales, the Elizabeth waterfront along Front Street.

Iron Oxide, from which the chemical wastes were allegedly poured into the Arthur Kill, is about 500 yards from an aging warehouse and storage yard where between 35,000 and 40,000 55-gallon drums of various hazardous and toxic industrial wastes were stockpiled. A state judge ordered the facility closed last March for failing to comply with cleanup orders issued by New Jersey's Department of Environmental Protection.

Manufacturers Paid Fees

Removal of the drums by the state has been proceeding slowly since last May. According to Paul Giardina, director of the state's Hazardous Waste Management Program, the beginning of the cleanup was delayed last summer while explosives experts identified and carefully removed 500 pounds of explosives, including TNT and picric acid. Since then, between 3,000 and 4,000 drums of chemical waste have been hauled away from the facility, owned and operated by the Chemical Control Corporation.

"We project, and I don't think this is overly optimistic, that we'll have between 10,000 and 15,000 of the drums removed by summer," Mr. Giardina said. He said the cleanup had been "going rapidly, once the problem with the explosives was solved."

The 50 companies that produced the wastes in their manufacturing processes paid fees for what they thought was legitimate disposal of the chemicals, Mr. Sakowicz said. He declined to specify the amounts.

Officials familiar with legitimate treatment and disposal of hazardous and toxic industrial waste said the cost could range from \$50 to \$600 for each 55-gallon drum, depending on the nature of the waste and the treatment required.

Mr. Sakowicz said that, starting in 1966, Iron Oxide used the acid chemical wastes in the legitimate manufacture of iron oxide, for which the company was named. That use ended in 1973, the year the dumping started, he said.

Besides Mr. Sullivan, the company's president, the indicted employees of Iron Oxide included Joseph F. Bishop, manager, and Robert Hawkins and Robert Battle, tank-truck drivers. Officials of Perk charged were Ray Rothschild, president, and Ralph Bell and Keith White, tank-truck drivers. The Chemline official indicted in addition to Mr. Byrnes was George W. Balben, a foreman.

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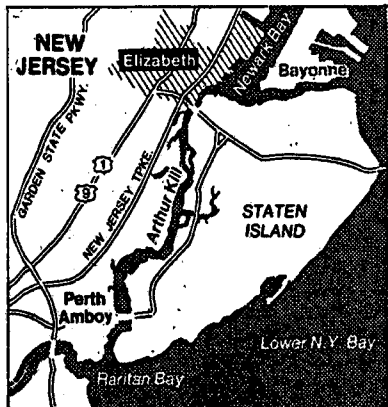
Ashes to Be Distributed As Lenten Period Starts

MIKE

For many Christians throughout the world, today is Ash Wednesday, the beginning of the 40-day Lenten period, which culminates in the observance of Good Friday and Easter.

In Roman Catholic churches and some Protestant churches, ashes are placed on the foreheads of worshippers as a symbol of the mortality of humans. The ashes are obtained by burning the palms blessed on the Palm Sunday of the previous year.

Lent, from the Anglo-Saxon word meaning spring, presages the joyous festival of the Resurrection on Easter Day, which this year falls on April 6. The period between Ash Wednesday and Easter is regarded as one of self-denial and rededication by many of the Christian faith.



The New York Times/Feb. 20, 1980

ware. They were hauled to Iron Oxide's truck depot by tank trucks owned by the two other companies named in the indictment, according to Gregory J. Sakowicz, a Deputy Attorney General with New Jersey's Division of Criminal Justice who presented the case to the grand jury.

75-Foot Hose to the Water

Once in the truck depot, the 5,000-gallon tanker trucks would empty their cargoes of chemical waste into a 75-foot underground hose that emptied into the Arthur Kill, Mr. Sakowicz said. He said that environmental and law-enforcement agents in helicopters and on stakeout in an industrial compound in Staten Island across from Elizabeth recorded dumping on videotape.

The two other companies indicted were identified as Perk Chemical Company and Chemline Corporation, both of Elizabeth. Perk was accused of one count of conspiracy and three counts of creating a nuisance and violating the Water Pollu-